

**House File 2470 - Introduced**

HOUSE FILE 2470  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO HSB 683)

**A BILL FOR**

1 An Act relating to election laws by making changes to voter  
2 registration, absentee voting, and election day procedures,  
3 and including effective date and applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 48A.7A, subsection 1, paragraph b,  
2 subparagraph (2), subparagraph division (d), Code 2009, is  
3 amended to read as follows:

4 (d) Bank statement provided by the financial institution  
5 either electronically or by regular mail.

6 Sec. 2. Section 48A.7A, subsection 1, paragraph b,  
7 subparagraph (2), Code 2009, is amended by adding the following  
8 new subparagraph division:

9 NEW SUBPARAGRAPH DIVISION. (h) A receipt for payment of an  
10 item in subparagraph division (b) or (c).

11 Sec. 3. Section 48A.11, subsection 1, Code 2009, is amended  
12 by adding the following new paragraph:

13 NEW PARAGRAPH. n. Whether the registrant wishes to request  
14 an absentee ballot and the name and date of the election for  
15 which the absentee ballot is requested. A registrant may  
16 request an absentee ballot under this paragraph for an election  
17 held in the year of registration.

18 Sec. 4. Section 48A.18, Code 2009, is amended by adding the  
19 following new subsection:

20 NEW SUBSECTION. 6. The department or a county treasurer's  
21 office is not required to inquire of a registrant, or a person  
22 who declines registration, whether the registrant or person  
23 would like to request an absentee ballot.

24 Sec. 5. Section 49.77, subsection 3, Code Supplement 2009,  
25 is amended to read as follows:

26 3. ~~a.~~ A precinct election official shall require any person  
27 whose name does not appear on the election register as an  
28 active voter to show identification. Specific documents which  
29 are acceptable forms of identification shall be prescribed by  
30 the state commissioner. A precinct election official shall not  
31 require any person whose name appears on the election register  
32 as an active voter to show identification.

33 ~~b.~~ ~~A precinct election official may require of the voter~~  
34 ~~unknown to the official, identification in the form prescribed~~  
35 ~~by the state commissioner by rule. If identification is~~

1 ~~established to the satisfaction of the precinct election~~  
2 ~~officials, the person may then be allowed to vote.~~

3 Sec. 6. Section 49.104, Code 2009, is amended by adding the  
4 following new unnumbered paragraph:

5 NEW UNNUMBERED PARAGRAPH. Persons appointed under  
6 subsections 2 or 5 shall not be prohibited from advocating on  
7 the behalf of a voter at the polling place.

8 Sec. 7. Section 50.20, Code 2009, is amended to read as  
9 follows:

10 **50.20 Notice of ~~number of~~ provisional ballots.**

11 The commissioner shall compile a list of the number of  
12 provisional ballots cast under section 49.81 in each precinct.  
13 The list shall include the name and address of those persons  
14 in each precinct who cast provisional ballots. The list  
15 shall be made available to the public as soon as possible, but  
16 in no case later than ~~nine o'clock~~ 9:00 a.m. on the second  
17 day following the election. Any elector may examine the list  
18 during normal office hours, and may also examine the affidavit  
19 envelopes bearing the ballots of challenged electors until  
20 the reconvening of the special precinct board as required by  
21 this chapter. Only those persons so permitted by section  
22 53.23, subsection 4, shall have access to the affidavits while  
23 that board is in session. Any elector may present written  
24 statements or documents, supporting or opposing the counting of  
25 any provisional ballot, at the commissioner's office until the  
26 reconvening of the special precinct board.

27 Sec. 8. Section 50.21, Code 2009, is amended to read as  
28 follows:

29 **50.21 Special precinct board reconvened.**

30 1. The commissioner shall reconvene the election board of  
31 the special precinct established by section 53.20 not earlier  
32 than noon on the ~~second~~ third day following each election which  
33 is required by law to be canvassed on the Monday or Tuesday  
34 following the election. If the ~~second~~ third day following such  
35 an election is a legal holiday the special precinct election

1 board may be convened at noon on the second day following the  
2 election, and if the canvass of the election is scheduled at  
3 any time earlier than the Monday following the election, the  
4 special precinct election board shall be reconvened at noon on  
5 the day following the election.

6 2. If no provisional ballots were cast in the county  
7 pursuant to section 49.81 at any election, the special precinct  
8 election board need not be so reconvened. If the number of  
9 provisional ballots cast at any election is not sufficient to  
10 require reconvening of the entire election board of the special  
11 precinct, the commissioner may reconvene only the number of  
12 members required. If the number of provisional ballots cast at  
13 any election exceeds the number of absentee ballots cast, the  
14 size of the special precinct election board may be increased  
15 at the commissioner's discretion. The commissioner shall  
16 observe the requirements of sections 49.12 and 49.13 in making  
17 adjustments to the size of the special precinct election board.

18 Sec. 9. Section 53.1, subsection 1, Code 2009, is amended  
19 to read as follows:

20 1. Any registered voter may vote absentee, subject to the  
21 provisions of this chapter, ~~vote at any election:~~

22 ~~a. When the voter expects to be absent on election day~~  
23 ~~during the time the polls are open from the precinct in which~~  
24 ~~the voter is a registered voter.~~

25 ~~b. When, through illness or physical disability, the voter~~  
26 ~~expects to be prevented from going to the polls and voting on~~  
27 ~~election day.~~

28 ~~c. When the voter expects to be unable to go to the polls~~  
29 ~~and vote on election day.~~

30 Sec. 10. Section 53.2, subsections 1 and 4, Code Supplement  
31 2009, are amended to read as follows:

32 1. ~~a.~~ Any registered voter, ~~under the circumstances~~  
33 ~~specified in section 53.1,~~ may on any day, except election  
34 day, and not more than seventy days prior to the date of  
35 the election, apply in person for an absentee ballot at the

1 commissioner's office or at any location designated by the  
2 commissioner. However, for those elections in which the  
3 commissioner directs the polls be opened at noon pursuant to  
4 section 49.73, a voter may apply in person for an absentee  
5 ballot at the commissioner's office from 8:00 a.m. until 11:00  
6 a.m. on election day.

7     *b.* A registered voter may make written application to the  
8 commissioner for an absentee ballot. A written application  
9 for an absentee ballot must be received by the commissioner  
10 no later than 5:00 p.m. on the Friday before the election. A  
11 written application for an absentee ballot delivered to the  
12 commissioner and received by the commissioner more than seventy  
13 days prior to the date of the election or at any time during the  
14 calendar year of the election for which the absentee ballot is  
15 requested shall be retained by the commissioner and processed  
16 in the same manner as a written application received not more  
17 than seventy days before the date of the election.

18     4. Each application shall contain the name and signature  
19 of the registered voter, the registered voter's date of birth,  
20 the address at which the voter is registered to vote, and the  
21 name or date of the election for which the absentee ballot is  
22 requested, and such other information as may be necessary to  
23 determine the correct absentee ballot for the registered voter.  
24 Spaces for information on the prescribed form shall be arranged  
25 in such a manner that required information is at the beginning  
26 of the form before spaces for information that is optional to  
27 include. If insufficient information has been provided, either  
28 on the prescribed form or on an application created by the  
29 applicant, the commissioner shall, by the best means available,  
30 obtain the additional necessary information.

31     Sec. 11. NEW SECTION. 53.4 Receipt of application for  
32 ballot — notation on registration record.

33     Beginning on the one hundredth day before the election,  
34 all applications for absentee ballots for that election,  
35 and any information contained on an absentee ballot

1 application pertaining to the applicant's voter registration  
2 record, shall be recorded on the statewide voter registration  
3 system within forty-eight hours of receipt of the application  
4 by the commissioner.

5 Sec. 12. Section 53.20, subsection 2, Code Supplement 2009,  
6 is amended by adding the following new paragraph:

7 NEW PARAGRAPH. *c.* The reports required by this subsection  
8 shall be forwarded to the state commissioner who shall compile  
9 the reports into one statewide report for each precinct in each  
10 county and shall make the report available to the public.

11 Sec. 13. Section 53.23, subsection 1, Code Supplement 2009,  
12 is amended to read as follows:

13 1. The election board of the absentee ballot and special  
14 voters precinct shall be appointed by the commissioner in the  
15 manner prescribed by sections 49.12 and 49.13, except that  
16 the number of precinct election officials appointed to the  
17 board shall be sufficient to complete the counting of absentee  
18 ballots ~~by 10:00 p.m.~~ after the board convenes on election day.

19 Sec. 14. Section 53.23, subsection 3, paragraphs a and c,  
20 Code Supplement 2009, are amended to read as follows:

21 *a.* The commissioner shall set the convening time for  
22 the board, allowing a reasonable amount of time to complete  
23 counting all absentee ballots ~~by 10:00 p.m.~~ after the board  
24 convenes on election day. Once the commissioner has convened  
25 the board on election day, the count required by this  
26 subsection shall not cease or otherwise be interrupted until  
27 the count is completed unless an equipment malfunction causes  
28 the count to be interrupted.

29 *c.* For the general election, the commissioner may convene  
30 the special precinct election board on the day before the  
31 election to begin counting absentee ballots. ~~However, if~~  
32 ~~in the preceding general election the counting of absentee~~  
33 ~~ballots was not completed by 10:00 p.m. on election day, the~~  
34 ~~commissioner shall convene the special precinct election board~~  
35 ~~on the day before the next general election to begin counting~~

1 ~~absentee ballots.~~ The board shall not release the results of  
2 its tabulation pursuant to this paragraph until the count is  
3 completed on election day.

4 Sec. 15. EFFECTIVE DATE AND APPLICABILITY.

5 1. Except as provided in subsection 2, this Act takes  
6 effect July 1, 2010, and applies to elections held on or after  
7 September 30, 2010.

8 2. The section of this Act amending section 48A.11 and  
9 the portion of the section of this Act amending section 53.2,  
10 subsection 4, take effect January 1, 2012.

11 EXPLANATION

12 This bill makes various changes to the laws relating to  
13 absentee voting and voter registration.

14 The bill adds to the list of documents that are accepted  
15 for purposes of establishing residency for election day and  
16 in-person absentee voter registration. Currently, two of the  
17 acceptable items are a property tax statement or utility bill  
18 showing the name and address of the voter registrant. The bill  
19 provides that a receipt for payment of either of these items is  
20 acceptable if the receipt contains the name and address of the  
21 voter registrant. The bill specifies that the bank statement  
22 currently listed as an acceptable document for establishing  
23 residency may be a bank statement provided by the financial  
24 institution either electronically or by regular mail.

25 The bill requires the state commissioner to include on the  
26 voter registration form space for the registrant to indicate  
27 whether the registrant wishes to request an absentee ballot  
28 and the name and date of the election, held in the year of  
29 registration, for which the absentee ballot is requested. This  
30 provision of the bill takes effect January 1, 2012.

31 The bill eliminates a provision authorizing a precinct  
32 election official to ask for identification of any voter  
33 unknown to the official. The bill further provides that a  
34 precinct official shall not require identification of any  
35 person whose name is on the election register as an active

1 voter.

2 Under current law, the county commissioner of elections is  
3 to compile a list, for public inspection within two days of  
4 the election, of the number of provisional ballots cast in an  
5 election. The bill requires that the list also include the  
6 name and address of each person who cast a provisional ballot.

7 The bill provides that polling place observers appointed  
8 by political parties or nonparty political organizations may  
9 advocate on behalf of a voter at the polling place.

10 The bill strikes the reasons for which a voter may request an  
11 absentee ballot and provides instead that any registered voter  
12 may request and vote an absentee ballot.

13 Currently, if an application for an absentee ballot  
14 is received more than 70 days before the election, the  
15 commissioner is required to retain the application and process  
16 it in the same manner as an application received in a timely  
17 fashion. Under the bill, the commissioner would also retain an  
18 application received at any time during the calendar year of  
19 the election for which the ballot is requested and process it  
20 immediately after the ballots become available.

21 The bill provides that spaces on the absentee ballot  
22 application form prescribed by the state commissioner of  
23 elections shall be arranged in such a manner that required  
24 information is at the beginning of the form before spaces for  
25 information that is optional to include. This provision of the  
26 bill takes effect January 1, 2012.

27 The bill requires the commissioner, beginning on the 100th  
28 day before the election, to record receipt of an absentee  
29 ballot application, and any voter registration changes  
30 resulting from certain information included on the application,  
31 to be entered on the statewide voter registration system within  
32 48 hours of receiving the application.

33 Currently for the general election, the county commissioner  
34 of elections is required to report absentee and provisional  
35 voting by resident precinct of the voter. The bill requires

1 the county commissioner of elections to send the reports to the  
2 state commissioner who shall compile a statewide report for  
3 each precinct in each county.

4 The bill provides that once the special precinct election  
5 board is convened by the commissioner on election day to count  
6 absentee and provisional ballots, it must continue the count  
7 until it is completed unless an equipment malfunction causes  
8 the count to be interrupted.

9 Current law authorizes the commissioner to take certain  
10 actions in order to complete the count by 10:00 p.m. on  
11 election day. Those provisions are amended to authorize the  
12 same actions in order to complete the count once the board has  
13 convened on election day.

14 The bill strikes the provision that required the  
15 commissioner to convene the special precinct election board on  
16 the day before the election to begin counting ballots if in the  
17 preceding general election the count was not completed by 10:00  
18 p.m. on election day.

19 The bill provides that the special precinct election board  
20 shall be reconvened no earlier than noon on the third day,  
21 rather than the second day, following the election.

22 Except as otherwise noted, the bill takes effect July 1,  
23 2010, and applies to elections held on or after September 30,  
24 2010.